

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Notice of Intended Action**

**Proposing rule making related to evaluation of tenants in assisted living programs and providing an opportunity for public comment**

The Inspections and Appeals Department hereby proposes to amend Chapter 69, “Assisted Living Programs,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 231C.3(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 231C.3(1).

*Purpose and Summary*

The Iowa Board of Nursing revised its rules related to nursing practice for registered nurses/licensed practical nurses effective March 31, 2021 (**ARC 5481C**, IAB 9/9/21). The Iowa Board of Nursing clarified that an initial assessment of a patient shall only be provided by a registered nurse and shall not be provided by a licensed practical nurse via the delegation process. This proposed amendment to Chapter 69 removes the reference to “a licensed practical nurse via nurse delegation” from the list of professionals who may complete a tenant’s initial assessment to maintain consistency with the approved scope of practice for licensed practical nurses.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 12, 2021. Comments should be directed to:

Sara Throener  
Iowa Department of Inspections and Appeals  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Phone: 515.281.5457  
Email: [Sara.Throener@dia.iowa.gov](mailto:Sara.Throener@dia.iowa.gov)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 69.22(1) as follows:

**69.22(1) *Evaluation prior to occupancy.*** A program shall evaluate each prospective tenant’s functional, cognitive and health status prior to the tenant’s signing the occupancy agreement and taking occupancy of a dwelling unit in order to determine the tenant’s eligibility for the program, including whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale (GDS) shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant’s mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, or a human service professional, ~~or a licensed practical nurse via nurse delegation.~~